

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 1031.

(Given pursuant to section 4 of the Food and Drugs Act.)

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#### ALLEGED ADULTERATION AND MISBRANDING OF "SODA WATER SYRUP COLA."

On June 8, 1910, the United States Attorney for the Northern District of Illinois, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against W. H. Hutchinson & Son, a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about September 8, 1909, from the State of Illinois into the State of Missouri, of a gallon bottle of an article of food denominated "Soda Water Syrup Cola" which was adulterated and misbranded. The label on said product was as follows: "No. 298. Guaranteed under the Food and Drugs Act June 30, 1906. Soda Water Syrup Cola Manufactured by W. H. Hutchinson & Son, Inc., 198 Desplaines St. Chicago. Flavors, Colors, Bottlers Supplies."

Analysis by the Bureau of Chemistry showed the product to consist of a syrupy liquid containing among other ingredients coca leaf alkalis, including cocaine and a minute quantity of caffeine. Adulteration was alleged because the article of food in said bottle contained an added deleterious ingredient, to wit, cocaine, rendering such article injurious to health; misbranding was alleged for the reason that said product contained cocaine, a statement to which effect did not appear upon the label.

On February 23, 1911, the defendant entered a plea of nolo contendere. On motion of the District Attorney a jury was called; the defendant admitted the charges in the information, and further admitted for the purposes of the case that the cocaine was an added ingredient of the product, and also that it was deleterious, but introduced proof to the effect that the cocaine in said product was mixed therein by accident. The jury returned a verdict of not guilty.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *July 31, 1911.*

